

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Braulio Rosa, Public Information Officer

**PREPARED BY:** Braulio Rosa, Public Information Officer

**SUBJECT:** Final Environmental Impact Statement for South Runway  
Expansion at FLL

**AFFECTED DISTRICT:** Townwide

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** Final Environmental Impact Statement for the Fort  
Lauderdale/Hollywood International Airport Response

**REPORT IN BRIEF:** On July 18, 2007, representatives, from Stearns Weaver Miller Weissler Alhadeff & Sittersons, made a presentation to the Town Council relative to how the firm, along with a team of consultants, could provide the Town with legal representation relative to the South Runway expansion at Fort Lauderdale Hollywood International Airport. Along with the presentation, the Town Council was provided with a memorandum dated July 11, 2007, which broke down the team's defense into three parts. At the July 18, 2007, meeting, the Town Council approved part 1. The part was completed and the deliverables were provided to the Town Council. At this time, the Federal Aviation Administration has completed the Final Environmental Impact Statement. If the Town is to respond to the FDEIS, we must do so by July 28, 2008, during the 30-day comment period.

**PREVIOUS ACTIONS:**

**CONCURRENCES:**

**FISCAL IMPACT:** Yes

Has request been budgeted? No  
If yes, expected cost: \$95,570

Account Name: Outside Legal

If no, amount needed: \$

What account will funds be appropriated from:

001-1810-514.31-02

**RECOMMENDATION(S):**

**Attachment(s):**

July 11, 2007 memorandum

**STEARNS WEAVER MILLER  
WEISSLER ALHADEFF & SITTERSON, P.A.**

Miami ■ Ft. Lauderdale ■ Tampa

Richard L. Richards  
Direct Line: (305) 789-4104  
Fax: (305) 789-3395  
Email: rrichards@swmwas.com

Museum Tower, Suite 2200  
150 West Flagler Street  
Miami, Florida 33130  
305-789-3200

July 11, 2007

**Via E-mail Delivery & U.S. Mail**

Mr. Tom Truex, Mayor  
Mr. Bryan Caletka, Vice Mayor  
Mr. Michael Crowley, Councilmember  
Mrs. Susan Starkey, Councilmember  
Mr. Marlon Luis, Councilmember  
c/o Mr. Gary Shimun, Town Administrator  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314

***Re: Town of Davie – Federal Aviation Administration (“FAA”) - Environmental  
Impacts of the Expansion of Fort Lauderdale/Hollywood International Airport***

Dear Town Council,

The firm of Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. (“Stearns Weaver Miller”) is pleased to present this proposal for services related to the proposed expansion of the Fort Lauderdale/Hollywood International Airport (“Airport” or “Airport Expansion”).

The proposal is divided into three distinct phases because we understand that the Town must balance its financial investment with the achievement of specific objectives. Therefore, each phase is intended to focus the Town’s resources to maximize its ability to impact the FAA’s and Broward County’s decision making process with respect to the Airport Expansion; while at the same time laying the foundation for future legal action against one or both should the Town determine that such action is necessary. Furthermore, the Town is provided with the opportunity, at specific points in time, to review, consider and determine whether or not it desires to continue to oppose the Airport Expansion.

**Background:** On behalf of the Town, Stearns Weaver Miller, with the assistance of The Four Gates Company and Charles Salter Associates, prepared comments to the FAA’s Draft Environmental Impact Statement (“DEIS”). This DEIS was prepared by the FAA in support of the proposed expansion of the Ft. Lauderdale/Hollywood International Airport (“Airport”). In addition, we appeared before the Broward County Commission to voice the Town’s opposition to the DEIS and the corresponding Airport expansion. Notwithstanding our efforts, and the efforts of others, the Broward County Commission elected to proceed with proposed Airport expansion (alternative B1c of the DEIS). This alternative provides for the lengthening of

Runway 9R/27L ("South Runway") to 8,000 feet and elevating it over the Florida East Coast Railway line and U.S. 1. This expansion of the South Runway is the most costly of the alternatives (excluding the "no action" alternative preferred by the Town), and will have the greatest negative impact upon nearby residents and the environment.

Based upon our prior work on behalf of the Town we understand the most important issue in regard to the Airport Expansion is the negative impacts (particularly noise impacts) it will have on the quality of life of the Town's residents and businesses. We believe these impacts, along with the issue of wetlands and noise mitigation, are the areas most vulnerable to potential legal challenge. In order to address these specific areas, our firm will be assisted by experts in airport operations, noise, land use and environmental justice, wetlands/ecology, and air quality. Our core team of The Four Gates Company and Charles Salter Associates will remain in place, with supplemental assistance from two new experts (Terramar Environmental Services, Inc. and RECON Environmental, Inc.) chosen for their experience in specific areas we believe are particularly weak in the DEIS documentation ("Team").

**Scope of Work:** Stearns Weaver Miller, with the assistance of the Team, is prepared to continue to represent the Town in its efforts to ensure that the FAA prepares a legally compliant Final Environmental Impact Statement ("FEIS") that properly documents the negative impacts and true cost of the proposed Airport Expansion; as well as opposing the expansion itself in accordance with the following proposal:<sup>1</sup>

### **Part 1**

*Time Frame:* Present day up to issuance of the FEIS by the FAA.

*Objective:* Focus on key areas of the proposed Airport Expansion, including noise and air quality impacts, as well as mitigation assessment and mitigation costs. In addition, specific ecological impacts will be further reviewed. This phase of work will provide a strong technical basis for future comments as well as put an estimated cost to mitigate the noise impacts in the Town – an achievement which we believe creates a powerful tool for discussion of the project with those County Commissioners that support the Airport Expansion.

*Scope of Services:* Substantive review analysis of the Part 150 noise study currently being prepared by Broward County and file comments and objections as appropriate; further analysis of DEIS, including models/technical analysis by expert consultants; review of the cumulative environmental impacts of other projects at the Airport, or associated with the Airport expansion (e.g., impact of new Airport terminal(s), Port Everglades expansion, etc.) on air quality, children, affordable housing, minorities, water quality, endangered species, etc.); requests for documents from government agencies (including Freedom of Information Act requests); and general

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<sup>1/</sup> Terramar Environmental Services, Inc. will be retained to specifically focus on wetland impacts, and RECON Environmental, Inc. will be retained to specifically focus on air quality impacts.

monitoring of process from an environmental, procedural (FAA compliance with its own regulations), and legal perspective.

*Cost:*<sup>2</sup> Stearns Weaver Miller – \$32,500.00 (130 hours at \$250 an hour).  
The Four Gates Company – \$30,990.00 (see attachment).  
Charles Salter Associates – \$40,345.00 (see attachment).  
Terramar Environmental Services, Inc. – \$7,500.00 (see attachment).  
RECON Environmental, Inc. – \$6,000.00 (see attachment).

*Total Cost for Part 1: \$117,335.00*

## **Part 2**

*Time Frame:* Issuance of FEIS up to issuance of Record of Decision by the FAA (“ROD”).

*Objective:* Establish a record of comments for those areas not adequately addressed by the FEIS. This is a critical comment period for establishing standing for future actions, and for determining if other actions or interventions are warranted. For example, if project mitigation is not properly defined in the FEIS it could have serious negative future impacts on the Town.

*Scope of Services:* Substantive review and analysis of the FEIS, including identification of legal and procedural deficiencies; technical review/analysis of final models used by FAA; monitor FAA actions with respect to the ROD, continue to review materials from FAA and other agencies related to the Airport expansion; and general coordination/monitoring of consultants.

*Cost:* Stearns Weaver Miller - \$35,000.00 (140 hours at \$250 an hour).  
The Four Gates Company - \$11,840.00 (see attachment).  
Charles Salter Associates - \$44,230.00 (see attachment).  
Terramar Environmental Services, Inc. - \$5,000.00 (see attachment).  
RECON Environmental, Inc. - \$4,000.00 (see attachment).

*Total Cost for Part 2: \$95,570.00*

## **Part 3**

*Time Frame:* Issuance of ROD up to final draft of Complaint.

*Objective:* Review and provide comments to the ROD. This is expected to be the final technical step preceding litigation relating to the FEIS.

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<sup>2/</sup> All cost figures are “not to exceed” amounts.

*Scope of Services:* Substantive review and analysis of ROD, including identification of legal and procedural deficiencies; final review and analysis of FEIS in light of ROD for legal and procedural deficiencies; and preparation of Complaint against the FAA in “final” form for Town Council approval.

*Cost:* Stearns Miller Weaver – \$67,500.00 (270 hours at \$250 an hour).  
The Four Gates Company - \$17,320.00 (see attachment).  
Charles Salter Associates - \$48,450.00 (see attachment).  
Terramar Environmental Services, Inc. - \$5,000.00 (see attachment).  
RECON Environmental, Inc. – Not Applicable.

*Total Cost for Part 3:* \$138,270.00

**Total Cost**

Stearns Weaver Miller - \$135,000.00  
The Four Gates Company - \$60,150.00  
Charles Salter Associates - \$133,025.00  
Terramar Environmental Services, Inc. - \$17,500.00  
RECON Environmental, Inc. - \$10,000.00

*Grand Total of Fees:* \$351,175.00

Our firm, and the expert consultants, are sensitive to the fact that the Town has certain budgetary constraints that it operates under, and therefore, we have structured the proposal in a manner that provides the Town with the ability and flexibility to terminate the representation at any time (if the Town elects to do so). Furthermore, we estimate that the above time frames cover a three year period, although they may be shortened depending on when the FEIS and ROD are issued by the FAA. Finally, to the extent that there may be a need for additional expert consultants, we will obtain the Town Council’s approval before engaging such experts.

We are honored that the Town of Davie has selected our firms, and we look forward to working with the Town Council and Town Staff in this matter. Please do not hesitate to give us a call if anything further is needed in this regard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Richards", written in a cursive style.

Richard L. Richards

cc: Mr. Braulio Rosa, Town Public Information Officer  
James A. Cherof, Esq., Town Attorney  
Kerry L. Ezrol, Esq., Assistant Town Attorney  
John Herin, Esq., Stearns Weaver Miller et al.

RLR/tc  
Attachments



RECYCLED PAPER



TO REORDER CALL 954-846-9399





**FOUR GATES**  
THE FOUR GATES COMPANY

1890 SW 21 Street, Miami FL 33145  
phone 305.285.2336  
www.fourgatesco.com

June 19, 2007

Mr. Richard L. Richards, Esquire  
Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.  
150 West Flagler Street, Suite 2200  
Miami, Florida 33130

**RE: FLL Airport Expansion - Town of Davie  
Proposal for Additional Land Use Planning Services**

Dear Mr. Richards:

The Four Gates Company is pleased to present this proposal for additional services related to representing the Town of Davie in respect to the proposed Fort Lauderdale-Hollywood International Airport expansion. This proposal addresses continued review of the Environmental Impact Statement (EIS), in its draft and final forms; review of the Part 150 study; preparation of mitigation estimates in coordination with Town staff; review of related applications and documents; coordination with Town staff and team members; coordination with other agencies through the State Clearinghouse to generate support for Town concerns; and, attendance at meetings and hearings.

The scope of work addressed in this proposal is supplied in three phases:

1. Work Leading to the Issuance of the Final EIS
2. Work Relating to the Final EIS
3. Work Relating to the Record of Decision

Because information from the FAA and Broward County is not available regarding the schedule for meetings, document issuance and related activities, it is difficult to fully anticipate related timeframes and costs. In addition, this scope assumes that given the more relaxed timeframes in this phase of work (our earlier work was under extremely tight timeframes) that Town staff will be more fully engaged and that portions of the work, particularly in mitigation impact estimates, can be conducted with Town assistance in order to minimize costs. Proposed work will address the following issues and areas in the DEIS: definition of the study area; land use (including impacts on plans and policies, public properties and open space); environmental justice; impact mitigation; and environmental (as it pertains to procedural or strategic approaches). Each major task and estimated costs associated with each task are described below:

**Task 1: Work Leading to the Issuance of the Final EIS**

- Complete an in-depth review of the DEIS in light of potential litigation, with special attention towards identifying potential NEPA and FAA rule challenges, including an outline of issues, comments, and strategies. This review will serve to further elaborate upon prior comments, as well as devise additional comments which may further support the Town's concerns. This work product may include review of public records not available during the initial analysis.
- Review all comment letters submitted on the DEIS and compile a list identifying areas where issues may overlap or support the Town of Davie position.
- Review the draft and final Part 150 study, with particular attention to assessments of impacts and proposed mitigation for impacts.
- Coordinate with the Florida State Clearinghouse and commenting agencies to ensure that they are aware of potential consistency issues identified by the Town of Davie team.
- Prepare an approach to Part 150 mitigation in coordination with Town staff, and submit as a formal letter or comment through the 150 Study. Our approach is expected to demand complete replacement of any impacted housing as intact neighborhoods, at set levels of affordability, with the Town. This task assumes that the Town's staff will be actively involved in any unit counts and will assist in an approach to replacement of impacted units.
- Attend a round table meeting with the consulting team and City staff to discuss the existing comments and strategize on approach. This includes sites visits to areas not already documented in the prior work efforts.
- Attend two meetings at the Town, one Part 150 meeting, and one additional meeting (most likely on Port Everglades).
- **Estimated Cost: \$30,990**

**Task 2: Work Relating to the Final EIS**

- In-depth review of the FEIS, including preparation of comments.
- Development strategy for other regulatory approaches and interventions, including Section 404 Permit (USACE).
- Attendance at one hearing and one meeting at the Town.
- **Estimated Cost: \$11,840**

**Task 3: Work Relating to the Record of Decision**

- In-depth review of the ROD, including preparation of comments in anticipation of litigation.
- Attendance at one Town meeting.
- **Estimated Cost: \$17,320**

June 19, 2007  
Page 3

The Four Gates Company will work on a time-and-material basis with a not-to-exceed total of \$60,150. Our rates are \$150 per hour for the principal and \$55 for planning assistants.

Thank you for considering us on this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Kimball-Murley".

Amy Kimball-Murley, AICP  
President

Copy: John Herin, Stearns Weaver  
File

TO REORDER CALL 954-846-9399



RECYCLED PAPER



**From:** "Jack Freytag" <jack.freytag@cmsalter.com>  
**To:** "Richard Richards" <RRichards@swmwas.com>  
**Date:** 6/19/2007 7:03:19 PM  
**Subject:** RE: Town of Davie - FAA Comments to DEIS

Hello Richard:

Randy, Dennis and I have been putting our heads together to develop draft budgets and workscopes for the EIS and Part 150 program work in the three time periods, as you have requested. This is difficult because 1) we do not know the schedule for this work (these projects notoriously overrun, missing most deadlines to address all comments from everyone), 2) we do not know the extent of the analyses that may be required in the future, and 3) we do not know the extent of our face-to-face involvement (if any).

We plan to address all issues throughout the Part 150, identify issues and submit recommendations to you. These recommendations and resultant impacts often require modifying the input files to the INM (noise modeling program) and generating new contours. This may be fairly easy (e.g., for changes in traffic volume) or more difficult if we must generate new flight tracks.

At this time we have not budgeted any travel and assume that you will be the sole representative of our work. Travel time and expenses seem to add quite quickly at this distance.

So, the attached spreadsheet breaks things out for a reasonable level of support from home, without travel, annually for the next three years. We hope and expect that much of the Part 150 and EIS issues will be the same, and that you may just submit our work in a different form.

Please feel free to get back to me on this. I check my voicemail fairly often and will return your call from our trip here in Michigan.

Always a pleasure to work with you.

Jack.

John C. Freytag  
P.E., INCE Bd. Cert., Director  
Charles Salter Associates  
130 Sutter Street, Fifth Floor  
San Francisco, CA 94104-4034  
TEL: 1.800.257.7706 X230  
FAX: 1.415.397.0454  
email: jack.freytag@cmsalter.com

**CC:** "Randy D. Waldeck" <randy.waldeck@cmsalter.com>, <DHughes941@aol.com>

	TASK DESCRIPTION	Director (JCF)		Senior Consultant (RDW)		ATC Spec.		ATC Technical		Technical (CSA)		Total						
		Hours	\$ / hr.	Hours	\$ / hr.	Hours	\$ / hr.	Hours	\$ / hr.	Hours	\$	Hours	\$					
1	Review DEIS / Review comments / Prep	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	15	\$ 175	\$ 2,625	5	\$ 150	\$ 750	4	\$ 85	\$ 340	38	\$ 6,155
2	Review PART 150 / Review comments / Prep	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	15	\$ 175	\$ 2,625	5	\$ 150	\$ 750	4	\$ 85	\$ 340	38	\$ 6,155
3	Review the flight track / plot information / contours	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	6	\$ 175	\$ 1,050		\$ 150	\$ 750	4	\$ 85	\$ 340	24	\$ 3,830
4	Review the aircraft type information	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	5	\$ 175	\$ 875		\$ 150	\$ 750	4	\$ 85	\$ 340	23	\$ 3,655
5	Review aircraft schedule information	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	4	\$ 175	\$ 700	2	\$ 150	\$ 300	4	\$ 85	\$ 340	24	\$ 3,780
6	Review the traffic volume forecasts	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	4	\$ 175	\$ 700	2	\$ 150	\$ 300	4	\$ 85	\$ 340	24	\$ 3,780
7	ATC Impacts / Mitigation / Alternatives	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	6	\$ 175	\$ 1,050	4	\$ 150	\$ 600	4	\$ 85	\$ 340	28	\$ 4,430
8	Edit / correlate information	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	6	\$ 175	\$ 1,050	4	\$ 150	\$ 600	4	\$ 85	\$ 340	28	\$ 4,430
9	Prepare report	6	\$ 220	\$ 1,320	8	\$ 140	\$ 1,120	6	\$ 175	\$ 1,050	2	\$ 150	\$ 300	4	\$ 85	\$ 340	26	\$ 4,130
	Totals	54	\$ 220	\$ 11,880	72	\$ 140	\$ 10,080	67	\$ 175	\$ 11,725	24	\$ 150	\$ 3,300	36	\$ 85	\$ 3,060	253	\$ 40,345

	TASK DESCRIPTION	Director (JCF)			Senior Consultant (RDW)			ATC Spec.			ATC Technical			Technical (GSA)			Total	
		Hours	\$ / hr.	Fee	Hours	\$ / hr.	Fee	Hours	\$ / hr.	Fee	Hours	\$ / hr.	Fee	Hours	\$	Hours	\$	
1	Review DEIS / Review comments / Prep	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	15	\$ 190	\$ 2,850	5	\$ 165	\$ 825	4	\$ 95	\$ 380	38	\$ 6,735
2	Review PART 150 / Review comments / Prep	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	15	\$ 190	\$ 2,850	5	\$ 165	\$ 825	4	\$ 95	\$ 380	38	\$ 6,735
3	Review the flight track / plot information / contours	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	6	\$ 190	\$ 1,140		\$ 165	\$ -	4	\$ 95	\$ 380	24	\$ 4,200
4	Review the aircraft type information	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	5	\$ 190	\$ 950		\$ 165	\$ -	4	\$ 95	\$ 380	23	\$ 4,010
5	Review aircraft schedule information	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	4	\$ 190	\$ 760	2	\$ 165	\$ 330	4	\$ 95	\$ 380	24	\$ 4,150
6	Review the traffic volume forecasts	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	4	\$ 190	\$ 760	2	\$ 165	\$ 330	4	\$ 95	\$ 380	24	\$ 4,150
7	ATC Impacts / Mitigation / Alternatives	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	6	\$ 190	\$ 1,140	4	\$ 165	\$ 660	4	\$ 95	\$ 380	28	\$ 4,860
8	Edit / correlate information	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	6	\$ 190	\$ 1,140	4	\$ 165	\$ 660	4	\$ 95	\$ 380	28	\$ 4,860
9	Prepare report	6	\$ 240	\$ 1,440	8	\$ 155	\$ 1,240	6	\$ 190	\$ 1,140	2	\$ 165	\$ 330	4	\$ 95	\$ 380	26	\$ 4,530
	Totals	54	\$ 240	\$ 12,960	72	\$ 155	\$ 11,160	67	\$ 190	\$ 12,730	24	\$ 165	\$ 3,930	36	\$ 95	\$ 3,420	253	\$ 44,230

TASK DESCRIPTION	Director (JCF)			Senior Consultant (RDW)			ATC Spec.			ATC Technical			Technical (CSA)			Total	
	Hours	\$ / hr.	Fee	Hours	\$ / hr.	Fee	Hours	\$ / hr.	Fee	Hours	\$ / hr.	Fee	Hours	\$ / hr.	Fee	Hours	\$
1 Review DEIS / Review comments / Prep	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	15	\$ 210	\$ 3,150	5	\$ 180	\$ 900	4	\$ 105	\$ 420	38	\$ 7,390
2 Review PART 150 / Review comments / Prep	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	15	\$ 210	\$ 3,150	5	\$ 180	\$ 900	4	\$ 105	\$ 420	38	\$ 7,390
3 Review the flight track / plot information / contours	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	6	\$ 210	\$ 1,260		\$ 180	\$ -	4	\$ 105	\$ 420	24	\$ 4,860
4 Review the aircraft type information	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	5	\$ 210	\$ 1,050		\$ 180	\$ -	4	\$ 105	\$ 420	23	\$ 4,390
5 Review aircraft schedule information	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	4	\$ 210	\$ 840	2	\$ 180	\$ 360	4	\$ 105	\$ 420	24	\$ 4,540
6 Review the traffic volume forecasts	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	4	\$ 210	\$ 840	2	\$ 180	\$ 360	4	\$ 105	\$ 420	24	\$ 4,540
7 ATC Impacts / Mitigation / Alternatives	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	6	\$ 210	\$ 1,260	4	\$ 180	\$ 720	4	\$ 105	\$ 420	28	\$ 5,320
8 Edit / correlate information	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	6	\$ 210	\$ 1,260	4	\$ 180	\$ 720	4	\$ 105	\$ 420	28	\$ 5,320
9 Prepare report	6	\$ 260	\$ 1,560	8	\$ 170	\$ 1,360	6	\$ 210	\$ 1,260	2	\$ 180	\$ 360	4	\$ 105	\$ 420	25	\$ 4,960
Totals	64	\$ 260	\$ 14,040	72	\$ 170	\$ 12,240	67	\$ 210	\$ 14,070	24	\$ 180	\$ 3,960	38	\$ 105	\$ 3,780	253	\$ 48,450





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TO REORDER CALL 954-846-9399

TERRAMAR ENVIRONMENTAL SERVICES, INC.  
1241 CRANE BOULEVARD  
SUGARLOAF KEY, FLORIDA 33042  
(305) 393-4200 FAX (305) 745-1192 TERRAMAR@BELLSOUTH.NET

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June 27, 2007

Richard L. Richards  
Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.  
Attorneys at Law  
Museum Tower  
150 West Flagler Street, Suite 2200  
Miami, Florida 33130

Dear Mr. Richards:

At the suggestion of Ms. Amy Kimball-Murley of The Four Gates Company, we are submitting this proposal for environmental consulting services for your consideration. The services include assisting your firm with an analysis of the Draft Environmental Impact Statement (DEIS) for the expansion of the Ft. Lauderdale Airport. To assist in evaluating our qualifications, we have attached the vitae of the principal scientists that will be involved with this project.

The scope of services we offer is to analyze various aspects of the natural resource aspects of the DEIS including wetland delineations, wetland impacts, mitigation proposals, impacts to wildlife including threatened and endangered species, and procedural aspects of the DEIS with respect to natural resource issues. We will review the available information including wetland reports, mitigation proposals, and pertinent agency and public correspondence. A written analysis of the environmental components of the DEIS found to be lacking in rigor or accuracy will be prepared for inclusion into your overall response to the DEIS.

While it is difficult to anticipate the amount of time needed to complete these tasks, we anticipate our review requiring the following effort:

***Time Period 1 - June 20, 2007 until issuance of final EIS:*** This period should include analysis of part 150 study, further analysis of DEIS including models/technical analysis, review of other environmental impacts/cumulative impacts (sea-port expansion, air quality, children, affordable housing, minorities, water issues, endangered species, etc), and general monitoring of process from an FAA, environmental, and legal perspective.

We anticipate no more than 60 hours, and propose to provide our services at a rate of \$125.00 per hour not to exceed \$7,500.00.

***Time Period 2 - Issuance of Final EIS until Issuance of Record of Decision:*** This period should include substantive review of final EIS including identification of deficiencies and technical review/analysis of final models.

We anticipate no more than 40 hours, and propose to provide our services at a rate of \$125.00 per hour not to exceed \$5,000.00.

***Time Period 3 - Issuance of Record of Decision until final draft of Complaint:*** This period should include review of Record of Decision (ROD), final review of EIS in light of ROD for deficiencies, final analysis of all deficiencies, and drafting of a Complaint in "final" form for presentation to Town of Davie.

We anticipate no more than 40 hours, and propose to provide our services at a rate of \$125.00 per hour not to exceed \$5,000.00.

We have based the above time estimates on previous experience with complex Environmental Impact Statement reviews. This cost estimate includes in-office review of available information and email and telephone communications. This cost estimate does not include field visits, team meetings or other travel-related activities. Those services will need to be arranged under separate agreement. We intend to invoice at the

completion of each discrete time period as outlines above based on actual time spent on the project.

Thank you for the opportunity to submit a proposal for this project.

Sincerely,



Philip A. Frank  
Senior Ecologist

Please sign and return if acceptable.

This Agreement is accepted on the date written below and subject to the above terms and conditions.

CLIENT: \_\_\_\_\_

SIGNED: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

## Exhibit D



RECYCLED PAPER



**From:** "Charly Bull" <cbull@recon-us.com>  
**To:** "Richard Richards" <RRichards@swmwas.com>  
**Date:** 6/28/2007 8:21:45 PM  
**Subject:** RE: FLL - DEIS

Richard

Based on your message, I am forwarding a copy of a resume for David Gottfredson. Dave is our air and NEPA specialist and would be the primary individual reviewing the air section of the EIS. I anticipate that the effort for reviewing the air quality analysis would consider the EIS and technical study looking for inconsistencies, accuracy and conformance to regulatory requirements. We do not anticipate rerunning any of the air dispersion models. As I indicated to Dennis Hughes, we anticipate that we could complete this review for \$6,000.

This would result in a detailed review letter. This review letter could be submitted in response to the public review of the EIS or could be incorporated into a letter that addressed additional topics. I assume that this is what you refer to as your first time period.

The effort needed to review the response to our comments would, of course, depend upon what we found in our review and how the FAA responds. I would anticipate that we could review their response to our comments within a reasonably short amount of time. If we were to include up to \$4,000 for this review, we could provide the services for the first two time periods for \$10,000.

I can not provide a reasonable estimate for your third time period "Record of Decision until draft complaint for lawsuit" without an understanding of what might result from the initial review and response cycle.

I hope this is sufficient for your needs. Please let me know if I need to provide any additional information or address any other environmental issues.

Thank you for your consideration.

Charly Bull  
President

RECON Environmental, Inc.  
1927 Fifth Avenue  
San Diego, CA 92101  
P 619-308-9333  
F 619-308-9334

A Company of Specialists

-----Original Message-----

From: Richard Richards [mailto:RRichards@swmwas.com]  
Sent: Friday, June 22, 2007 11:04 AM  
To: Charly Bull  
Cc: Dennis Hughes; Amy Kimball-Murley; John Herin  
Subject: RE: FLL - DEIS

Charly,

Thanks for your interest. As you know, we represent the Town of Davie who has asked us to determine deficiencies in the EIS being prepared by the FAA (the Town is very concerned about airport expansion and the effect on the Town's environment). You can find information on the Broward County Airport website;

<http://www.broward.org/airport/>

including a summary of the draft EIS, the entire DEIS, and public comments (see municipalities - ours are the first comments). We need help on air quality and support for impacts to children. If you are interested, please email me your resume and suggested action items from the perspective of air quality and impacts to children with estimated (not to exceed costs) under the following time periods,

- (1) Now until issuance of final EIS.
- (2) Issuance of final EIS until Record of Decision.
- (3) Record of Decision until draft complaint for lawsuit.

My contact info appears below. Please let me know if you have any other questions. Thanks.

Regards,

Richard L. Richards  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Attorneys at Law  
Museum Tower  
150 West Flagler Street, Suite 2200  
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>>> "Charly Bull" <cbull@recon-us.com> 6/22/2007 12:38 PM >>>

Dennis

RECON has the ability to review the following issues:

Air quality  
Fish, wildlife and plants  
Wetlands  
Cultural resources  
Noise  
and general NEPA consistency

It is my understanding that you have someone working on noise. That topic would be the most substantial review effort.

The cost would depend upon the issues we bump into along the way, but it would be reasonable to assume that any particular topic (aside from noise) could be reviewed sufficiently for between 3 and 5 days effort.

How would you like us to proceed?

Charly Bull  
President

RECON Environmental, Inc.  
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San Diego, CA 92101  
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A Company of Specialists

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From: DHughes941@aol.com [mailto:DHughes941@aol.com]  
Sent: Wednesday, June 20, 2007 12:46 PM  
To: Charly Bull  
Subject: FLL - DEIS

Let me what areas you can work.... Thanx's ..... Dennis

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See what's free at AOL.com  
<<http://www.aol.com?ncid=AOLAOF00020000000503>> .

**CC:** "Dennis Hughes" <DHughes941@aol.com>, "Amy Kimball-Murley" <akm@fourgatesco.com>, "John Herin" <JHerin@swmwas.com>, "Dave Gottfredson" <dgottfredson@recon-us.com>, "Theresa Robinson" <trobinson@recon-us.com>

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# David Gottfredson, E.I.T.

## Air Quality & Acoustical Specialist

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### Highlights

- ✓ Noise and air quality studies
- ✓ HGM modeling
- ✓ NEPA compliance

### Experience:

13 years

### Education:

B.S. Chemical Engineering,  
UCSD, 1983

### Permits/Certifications/ Trainings:

Approved County of San  
Diego Air Quality and  
Acoustics Consultant

USACE HGM Workshop,  
ERDC, Vicksburg, MS

Engineer-in-Training (E.I.T.),  
State of California, License  
No. XE098720

### Experience Summary

Mr. Gottfredson's experience includes serving as the project manager for NEPA and CEQA environmental documents and technical expertise in noise and air quality studies.

Mr. Gottfredson performs air quality studies that involve descriptions of ambient conditions, dispersion and emissions models, and preparation and processing of reports. He prepares emissions screening and health risk assessments and his modeling experience includes ISC, Screen, EMFAC, AERMOD, CALINE, and URBEMIS. Mr. Gottfredson's recent experience includes air quality studies for the Valley Way/Armstrong Road Widening and Newport Road Extension projects in Riverside County, and baseline studies for the City of Chula Vista General Plan Update.

Mr. Gottfredson is also a leading acoustician in southern California. His studies include analyzing acoustical impacts from transportation and stationary noise sources.

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### City of Chula Vista General Plan Update Air Quality Analysis, Chula Vista, CA

Mr. Gottfredson prepared this baseline study in support of the General Plan Update. It examines air quality in the city of Chula Vista including the physical conditions that affect the city's air quality, sources of air pollutants, and policies and planning issues that have been developed for the purpose of improving air quality.

### Newport Road Extension Air Quality Studies, Riverside, CA

Mr. Gottfredson conducted air quality analyses for this roadway. The study involved the completion of dispersion modeling of emission from traffic on the road to determine effects of the project configuration of six lanes. The air quality analyses focuses on potential carbon monoxide "hot spot" impacts and includes a Clean Air Act conformity assessment in compliance with federal regulations for new transportation projects.

### Valley Way/Armstrong Road Widening Air Quality Study, Riverside, CA

Mr. Gottfredson assesses potential short- and long-term local and regional air quality impacts resulting from implementation of the proposed project. The project area is located in the Moreno Valley of the county of Riverside, within the South Coast Air Basin. An analysis was conducted to determine if the increased traffic volumes could result in localized carbon monoxide concentrations

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in excess of federal standards ("hot spots"). A screening level analysis, which considers air emissions to the air basin from implementation of the project, was performed to determine the potential for carbon monoxide "hot spot" formation.

**State Route 125 South Air Quality Analysis, San Diego, CA**

Mr. Gottfredson completed the air quality modeling for a new freeway section of State Route 125 using the EMFAC7 and CALINE micro-scale analysis models.

**University of California San Diego School of Medicine Research Facility, San Diego, CA**

Mr. Gottfredson conducted a screening health risk assessment to evaluate toxic air contaminants that will be released from the proposed biomedical sciences research facility. The noise study evaluated potential impacts from the new mechanical equipment associated with the facility. Construction impacts for noise and air quality were also evaluated.

**University of California San Diego East Campus Cancer Center, San Diego, CA**

Mr. Gottfredson conducted a screening health risk assessment to evaluate toxic air contaminants that will be released from the proposed facility and utility plant. Construction impacts for noise and air quality were also evaluated.

**Republic Imperial Landfill Expansion EIR, Imperial County, CA**

Mr. Gottfredson completed emissions screening and health risk assessments for the expansion of the Republic Landfill.

**Rancho Peñasquitos Skate Park, San Diego, CA**

Mr. Gottfredson evaluated potential local and regional air quality impacts associated with the proposed Rancho Peñasquitos Skate Park project. The project proposes the construction of a 20,000-square-foot skateboarding park including a multi-use building for restrooms and a check-in area. The site is located within the San Diego Air Basin (SDAB), one of 15 air basins that geographically divide the State of California. The SDAB is currently classified as a federal non-attainment area for ozone and a state non-attainment area for both particulate matter less than 10 microns (PM<sub>10</sub>) and ozone.

**USACE NEPA EIS for LA-3 Dredged Material Ocean Disposal Site, Newport Beach, CA**

Mr. Gottfredson managed and authored the EIS for the designation of the LA-3 Ocean Dredged Material Disposal Site off the shore of Newport Beach. The EIS examines potential effects to the physical and biological environment from the disposal of dredged material at the LA-3 disposal site. Mr. Gottfredson also completed an air quality analysis for LA-3.

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